

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

BENJAMIN D. WINSTON, II,

Plaintiff,

v.

AMAZON, INC. and KENZIE's OPTICS,
INC.,

Defendants.

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CASE NO. 9:21-cv-00122

JOINT STIPULATION OF REMAND

1. On July 12, 2021, Defendant Kenzie's Optics, Inc. ("Kenzie") removed this action originally filed as Cause No. CV-01103-21-06 in 159th District Court of Angelina County, Texas (the "State Court Case"). Defendant Amazon, Inc. has not appeared in the State Court Case or this action.

2. On July 14, 2021, Plaintiff Benjamin D. Winston, II ("Winston") moved to remand. ECF No. 3.

3. After discussions amongst counsel, Kenzie stipulates to a remand to the 159th District Court of Angelina County, Texas, based on Winston's stipulation that he shall not, and may not, recover in the State Court Case any more than \$75,000.00.

4. Winston waives any and all right to seek recovery of fees or expenses in seeking to remand this action.

5. Kenzie and Winston further stipulate and agree that this stipulation is irrevocable and may be filed in the State Court Case and shall be binding on the parties to the State Court Case pursuant to Texas Rule of Civil Procedure 11 and as a stipulation in the State Court Case.

WHEREFORE, Kenzie and Winston request the Court, in consideration of this Joint Stipulation of Remand, enter an order of remand and for such further relief to which the parties are entitled.

AGREED:

By: /s/ Brian P. Shaw
Brian P. Shaw, counsel for Kenzie

By: /s/ Kevin M. Fuller
Kevin M. Fuller, counsel for Winston

Respectfully submitted,

/s/ Brian P. Shaw
BRIAN P. SHAW
State Bar No. 24053473

ROGGE DUNN GROUP, PC
500 N. Akard St.
Suite 1900
Dallas, Texas 75201
(214) 888-5000 (Telephone)
(214) 220-3833 (Fax)
shaw@roggedunnngroup.com

**ATTORNEYS FOR DEFENDANT KENZIE'S
OPTICS, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served on this 27th day of July 2021, via ECF as follows:

Kevin M. Fuller
LAW OFFICE OF KEVIN M. FULLER
P.O. Box 12086
Beaumont, Texas 77726
kfuller@kevinmfullerlawfirm.com

/s/ Brian P. Shaw
BRIAN P. SHAW